



An
Bord
Pleanála

Inspector's Report

ABP-314008-22

Development	House and garage with treatment plant and percolation area.
Location	Lackalea , Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22121
Applicant	Oisín Stratford
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Thomas Lyons
Observer(s)	None
Date of Site Inspection	21 st December 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located at Lackalea, c. 4 km north of Loughrea, Co. Galway. The appeal site is situated on the western side of a narrow access lane which is accessed from the L8180, c. 1 km east of the N65. The appeal site is located within a rural area, outside of a settlement.
- 1.2. The appeal site is relatively flat, rectangular in shape, has a stated area of c. 0.4 ha and appears to be used for agricultural purposes. Compacted hardcore has been laid along the front/roadside boundary of the appeal site and the front/roadside boundary comprises a newly erected post and wire fence. There is extensive ribbon development in the vicinity, with a row of 8 no. houses located to the south of the appeal site and a dwelling situated further north. The site to the immediate south accommodates a detached two storey dwelling. A hedgerow forms the southern boundary of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;
- Construction of a two storey, four-bedroom, detached dwelling:
 - stated floor area c. 264 sqm.
 - ridge height c. 8 metres¹.
 - material finishes to the proposed house have not been indicated but appear to comprise render and stone cladding for the external walls. The roof covering appears to comprises slate/tile.
 - positioned c. 44 metres from the public road.
 - Construction of a single storey garage:
 - stated floor area 60 sqm.
 - ridge height 4.8 metres².

¹ Following a request for further information the height of the house was reduced from c. 8.6 metres to 8 metres.

² Following a request for further information the height of the garage was reduced from c. 5.3 metres to 4.8 metres.

- material finishes to the proposed garage appear to comprise render for the external walls. The roof covering appears to comprises slate/tile.
- The installation of a packaged waste water treatment system and a raised percolation area.
- A new splayed vehicular entrance³ and stone front boundary wall. The front boundary wall is set back 3 metres from the road edge.
- Landscaping, and boundary treatment comprising post and rail fencing.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority to GRANT permission for the proposed development, the Planning Authority requested Further Information.

3.1.1. Further Information was requested on the 31st March 2022 as follows:

- Item 1- (i) Reduce hight of dwelling and garage; (ii) omit windows at attic level on the side gables; and (iii) internalise chimney.
- Item 2 – Submit yield test for well.
- Item 3 – Noting ribbon development in vicinity, demonstrate compliance with Sustainable Rural Housing Guidelines, specifically submit Birth Certificate, ownership details of family home and documentation to support rural based housing need.

3.1.2. Further Information submitted on the 16th May 2022 as follows:

- Height of proposed house reduced to 8 metres, height of proposed garage reduced to 4.8 metres, attic windows omitted and chimney internalised.
- Land Registry details showing appeal site, and family home to south in ownership of Thomas and Suzanne Stratford (i.e. the applicant's parents).
- Details of yield test for private well submitted.

³ The development description contained in the public notices do not refer to the provision of an entrance.

- Copy of applicant's Birth Certificate, correspondence from primary and secondary school, and from local sports club submitted. Cover letters submitted from the applicant and her parents.

3.2. Decision

The Planning Authority issued a Notification of Decision to GRANT Permission on the 9th June 2022 subject to 14 no. conditions.

C2 - requires the projecting window serving the living room to be replaced with a standard window.

C3 – requires set-back to be provided between front boundary of the site and road edge.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The first report of the Planning Officer includes the following comments;

- The site is located to the north of an emerging pattern of linear development.
- The Planning Authority has concerns in relation to the massing of the main element of the proposed build.
- The height of the proposed garage shall be reduced by 0.25 metres.
- The windows in the gable end in the attic shall be omitted and the chimney on the south elevation internalised.

Further Information recommended.

3.3.2. The second report of the Planning Officer notes that the applicant's response is considered acceptable, that the bay window feature should be omitted, and that an enurement clause is not required. The report of the Planning Officer recommends a grant of permission consistent with the Notification of Decision which issued.

3.3.3. Other Technical Reports

None received.

3.4. Prescribed Bodies

None received.

3.5. Third Party Observations

2 no. observations were received by the Planning Authority. The following is a summary of the main issues raised in the third-party observations:

- Works have commenced on the site.
- The proposed development will increase run-off from the site, resulting in flooding of the road and neighbouring property.
- The water requirement for the proposed development could impact water supplies/water table in the area.
- The proposed development represents ribbon development and will place pressure on the laneway.
- Concerns regarding the destruction of habitats/wildlife corridors.
- Concerns regarding the impact of light pollution on livestock, and the impact of the proposed development on farming practices in the area.

4.0 Planning History

Appeal Site

None.

Site to North:

PA. Ref. 22/120 - Permission GRANTED for house, garage, treatment plant and percolation area. This application is the subject of a current appeal to An Bord Pleanala under ABP Ref. 314001-22.

Site to North-East:

PA. Ref. 19/1108 & ABP Ref. 306482-20 – Permission REFUSED for a house, garage and treatment plant. Reason for refusal;

The proposed development would constitute random housing development in a rural area lacking certain public services and community facilities and,

therefore, may be prejudicial to public health. The proposed development would give rise to demands for the provision of further public services and community facilities and accordingly would be contrary to the proper planning and sustainable development of the area.

In considering this case the Inspector raised concerns in relation to the concentration of waste water treatment systems in proximity to boreholes for private wells, which it was considered represented a threat to public health.

5.0 Policy Context

5.1.1. National Planning Framework (NPF) – Project Ireland 2040 (2018)

National Policy Objective 15 states -

‘Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.’

National Policy Objective 19 states -

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere.

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.2. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.1.3. Ministerial Guidance

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within an area identified as a 'Structurally Weak Area' (Rural Housing Zone 3) (see Map 4.1. Galway County Development Plan 2022 - 2028). The Guidelines state that these areas exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth. The Guidelines provide that the key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

Appendix 4 of the Sustainable Rural Housing, Guidelines for Planning Authorities provides policy on ribbon development. The guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

5.2. Development Plan

5.2.1. The proposed development was considered by the Planning Authority under the Galway County Development Plan 2015-2021 however the Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan.

5.2.2. The appeal site is not subject to any specific land-use zoning under the Galway County Development Plan 2022-2028.

5.2.3. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- Objective RH 3: Rural Housing Zone 3 (Structurally Weak Areas)
- DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads

5.2.4. In terms of Landscape Character Type, the appeal site is located within the 'Central Galway Complex Landscape' (see Appendix 4 of CDP). Regarding landscape sensitivity, the appeal site is located within a Class 1 'Low Sensitivity Landscape'. The appeal site is not affected by any protected views (see Map 08, Appendix 4) or scenic routes (see Map 09, Appendix 4).

5.3. **Natural Heritage Designations**

The appeal site is not located within or close to any European Site.

5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a third-party appeal against the decision to grant permission. The grounds for appeal can be summarised as follows;

- Construction work has commenced on the site, in particular the front boundary has been removed and a gravel track laid.
- The proposed development will increase run-off from the site, resulting in flooding of the road and neighbouring property.
- The water requirement for the proposed development (and the proposed dwelling on the adjacent site) could impact water supplies in the area.
- The proposed development represents ribbon development which is not in accordance with the County Development Plan.
- The proposed development will place pressure on the laneway which has several blind corners.

6.2. Applicant Response

The applicant has submitted a response to the third party appeal. This response also includes comments from the applicant's parents. Issues raised include;

- The proposal is not speculative.
- The applicant's parents own and farm the appeal site.
- The applicant has longstanding ties to the area.
- The laying of hardcore and the removal of the front boundary of the site were required to facilitate well drilling.
- The site is not prone to flooding.
- The site has good sightlines.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Rural Housing Policy
- Ribbon Development
- Waste Water
- Impact on Visual and Residential Amenity
- Access
- Other Issues

- Appropriate Assessment

7.2. Rural Housing Policy

- 7.2.1. The appeal site is located within an area identified as a 'Structurally Weak Area'. National Policy Objective 19 of the NPF provides that in such areas, the provision of single housing in the countryside is based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. This is reflected in Objective RH3 of the Galway County Development Plan 2022 – 2028, where proposals for dwellings in such locations are considered subject to normal planning and environmental criteria. Having regard to the established pattern of development in the vicinity of the appeal site, I consider the design and sitting of the proposed dwelling to be acceptable. On this basis, I consider that the proposed development accords with the provisions of the Galway County Development Plan 2022-2028 in relation to rural housing, specifically Objective RH3.
- 7.2.2. Should the Board be minded to grant permission for the proposed development, I do not consider that there is a requirement to attach an occupancy condition as the appeal site is located within a part of the County where the provision of single housing is based on siting and design considerations, and not the requirement to demonstrate that the applicant has an economic or social need to reside at such a location.

7.3. Ribbon Development

- 7.3.1. Taking account of the dwellings to the south of the appeal site, and to the existing dwelling to the north of the appeal site, the emergent development pattern along the road serving the site is characteristic of ribbon development. Ribbon development is defined in the Sustainable Rural Housing, Guidelines for Planning Authorities (2005) as '*5 or more houses on any one side of a given 250 metres of road frontage*'. I note that the proposed development would be the ninth dwelling on the western side of the road over a 250-metre distance. The Sustainable Rural Housing, Guidelines for Planning Authorities recommends against ribbon development and provides that in assessing individual housing proposals in rural areas, Planning Authorities need to form a view as to whether that proposal would contribute to or exacerbate ribbon development, based on a number criteria including; the type of rural area and

circumstances of the applicant; the degree to which the proposal might be considered infill development, and, the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development. Regarding the first criteria, the appeal site is identified in the Galway County Development Plan as being a 'Structurally Weak Area' as distinct from an 'Area Under Strong Urban Influence' and I note that in order to establish the applicant's circumstances, the Planning Authority requested the applicant to demonstrate his rural based housing need. Having reviewed the documentation submitted I am satisfied that the applicant has satisfactorily demonstrated his linkages to the rural area. The appeal site comprises a large field located north of a row of 8 no. dwellings as and such I do not consider the proposal to constitute infill development. In respect of the third criteria, the area is characterised by significant ribbon development, with 8 no. dwellings south of the appeal site. The proposal, if permitted, would give rise to the coalescence of ribbon development, resulting in a row of 10 no. dwellings when the existing dwelling to the north is considered. I consider that this form of development is unsustainable in rural areas, that it would contribute to the erosion of the rural character of the area, lead to an increased demand for the un-economic provision of services and facilities, and would not be in accordance with the Sustainable Rural Housing, Guidelines for Planning Authorities, 2005, and notwithstanding the applicant's circumstances vis-à-vis his connection to the area, which is only one criteria to be considered when determining proposals in rural areas which result in ribbon development, I recommend that permission for the proposed development be refused.

7.4. Waste Water

- 7.4.1. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a Locally Important Aquifer where the bedrock vulnerability is High. A ground protection response to R1 is noted. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice, i.e. system selection, construction, operation and maintenance). The applicant's Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.

- 7.4.2. The trail hole depth referenced in the Site Characterisation Report was 1.7 metres. Bedrock was encountered in the trail hole at a depth of 0.6 metres, the water table was not encountered in the trail hole. The soil conditions found in the trail hole are described as comprising topsoil. Percolation test holes were dug and pre-soaked. A T value/sub-surface value of 1.89 was recorded and a P value/surface test was subsequently carried out and a value of 7.53 recorded. The site was enclosed by fencing and I was unable to inspect the trail hole at the time of my site inspection.
- 7.4.3. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a secondary treatment system and a soil polishing filter. Table 6.3 of the EPA CoP 2021 requires a minimum depth of unsaturated permeable subsoil of 0.9 metres below the base of the polishing filter for secondary treatment systems. Noting the inadequate depth of subsoil, it is proposed to install a secondary waste water treatment system and a raised percolation area/polishing bed. The applicants' Site Characterisation Report and longitudinal section indicates that there would be 1.2 metres of unsaturated subsoil below the base of the polishing filter. Based on the site layout drawing submitted I note that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021. The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water.
- 7.4.4. There is no foul sewer network located in this area and all of the adjacent dwellings would appear to be served by septic tanks or wastewater treatment systems. Whilst it is likely that separation distances comply the EPA Code of Practice 2021 for individual wastewater treatment systems given the generous plot sizes in the area, the issue of proliferation of individual treatment systems is of concern. Given the existence of approximately 13 dwellings on individual treatment systems/septic tanks within a 250 metre distance of the appeal site, and noting the fast draining nature of the soil on the site, as indicated by the subsurface and percolation test results, the proposed development would in my opinion be prejudicial to public health.
- 7.4.5. I also note that there does not appear to be a public water supply in the area and boreholes are used to draw drinking water for the houses in the vicinity. The free draining nature of the soil in the area would allow for faster movements of potential pathogens and contaminants below ground level and as such the proposal would also represent a threat to public health in this regard.

7.4.6. In summation, notwithstanding that the proposal complies with the EPA CoP 2021, noting the marginal percolation values on the site, which are indicative of fast draining soil, and the proliferation of septic tanks and waste water treatment systems in the immediate vicinity, I am not satisfied that the treatment of effluent on the site can be catered for without a risk to groundwater.

7.4.7. The issue of waste water, whilst addressed by the Planning Authority, was not the subject of the third party appeal and as such is a **new issue**. The Board may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.5. **Impact on Visual and Residential Amenity**

7.5.1. Having regard to the scale and design of the proposed dwelling, and to the character of the area, I do not consider that the proposed dwelling would result in any significant negative impacts on the visual amenity or character of the area.

7.5.2. Having regard to the design of the proposed dwelling and to the separation distance between the proposed dwelling and adjoining site boundaries, I do not consider that the proposed dwelling would have any significant negative impacts on the residential amenity of the adjoining property arising from overlooking, overshadowing or overbearance.

7.6. **Access**

7.6.1. A sign indicating a speed limit of 30 kmph is erected south of the appeal site, at the T-junction with the L8180. DM Standard 28 (Table 15.3) of the Galway County Development Plan 2022 – 2028 requires sightlines of 35 metres for local roads with a design speed of 30 kmph. The applicant has indicated sightlines of 70 metres to the north and south of the proposed vehicular entrance. Based on the information submitted, I therefore consider sightlines to be acceptable.

7.6.2. The third party raises concerns in relation to the nature of the local road network and the increase in traffic using the road as a result of the proposed development. Whilst the local road onto which access is proposed is narrow in places I note that forward visibility is good on the road and there are a number of locations which would facilitate

vehicles to pass. I do not consider that the proposal for a single dwelling would result in a significant increase in traffic volumes using the road. In summation I consider the proposal to be acceptable from the perspective of traffic safety.

7.7. Other Issues

Works on Site

- 7.7.1. The third party states that the removal of stone walls, hedgerows and the laying of a gravel track were undertaken on the site in advance of the lodgement of the planning application. Based on my site inspection I note that compacted hardcore has been laid along the front/roadside boundary of the appeal site and the front/roadside boundary comprises a newly erected post and wire fence. In response to the third party appeal the first party states that these works were undertaken to facilitate a borehole on the site. I note that the issue of enforcement is a matter for the Planning Authority and is therefore outside the scope of this appeal.

Water Supply

- 7.7.2. The third party has raised concerns in relation to the potential impact of the proposed development on neighbouring property in terms of water supply. The applicant was requested to furnish details of water yield by the Planning Authority. Details of water supply were submitted, an output in excess of 220 gallons was indicated. I note that the Planning Authority did not raise concerns in relation to the output of the well. I also note that the third party has not provided any specific evidence of water supply constraints in the vicinity. On the basis on the information submitted with the application and appeal I consider the proposal to acceptable in terms of water supply.

Flooding

- 7.7.3. The third party contends that the proposed development will result in an increase in run-off from the site in an area which is susceptible to flooding. I have reviewed the Strategic Flood Risk Assessment which was prepared as part of the Galway County Development Plan 2022-2028 and Floodmaps.ie and I note that the appeal site is not located within an area which is indicated as being at risk of flooding. In my opinion the

proposal would not result in flooding of neighbouring property or the local road network.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

- 8.1. Having regard to the above it is recommended that planning permission be refused for the proposed development based on the following reasons and considerations

9.0 Reasons and Considerations

1. The proposed development, when taken in conjunction with existing development in the vicinity of the site, would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would be contrary to the Sustainable Rural Housing, Guidelines for Planning Authorities, 2005 and would therefore be contrary to the proper planning and sustainable development of the area.
2. Taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by septic tanks and/or individual wastewater treatment systems in the area, and having regard to the subsurface and percolation test results which are indicative of a fast draining soils, the Board is not satisfied that the site is capable of treating foul effluent arising from the dwelling and considers that the method of foul water disposal will render the treatment of the effluent unacceptable and could increase the risk of serious water pollution. Accordingly, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Ian Campbell
Planning Inspector

22nd March 2023